

ARREST RELATED DEATH REPORTING GUIDE

As outlined in Chapter 50 of the Illinois Compiled Statutes, 709/5, all law enforcement agencies shall submit to the Illinois State Police on a monthly basis a report on any arrest-related death that shall include information regarding the deceased, the officer, any weapon used by the officer or the deceased, and the circumstances of the incident.

"Arrest-related death" means any death of an individual while the individual's freedom to leave is restricted by a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment, including any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in direct action against the individual or the individual's vehicle during the process of apprehension. "Arrest-related death" does not include the death of law enforcement personnel.

If no incidents occurred which met the reporting, the agency must create and submit a "New ARD Zero Report".

All officers and deceased offenders must be entered into the report. If only one law enforcement agency is involved in an arrest-related death incident, that agency is responsible for reporting the incident. Follow the guidelines below for other scenarios.

- Multi-agency: the agency of the officer whose actions resulted in the death must report the incident.
- Multi-agency (unable to determine which officer's actions resulted in the death):

The jurisdictional agency must report the incident. Examples:

- Local police department & Sheriff's Department: local police department reports
- Local police department & State agency: local police department reports
- Sheriff's Department & state agency: Sheriff's Department reports
- Off Duty Officer: The agency with whom the officer is employed must report the incident.
- Federal Agency: On or off-duty officer, the primary jurisdictional agency must report the incident. There is a field to indicate a federal officer was the officer involved rather than an officer from the reporting agency.
- MEG/Task Force Member: The agency with whom the officer is employed must report the incident.

I. While a person is detained or shortly after a person's freedom to leave is restricted.

All deaths that occur while a person is being detained must be reported. Although the majority of deaths to be reported will involve criminal suspects, individuals not considered subjects of arrest can be detained by law enforcement. Examples include pedestrian and vehicle stops.

All deaths that occur shortly after a person's freedom to leave is restricted must be reported if the circumstances causing the death occurred during the interaction with the

officer. If a detained individual sustained an injury during interaction with an officer, and died later as a result of those injuries, the death must be reported.

Individuals may be in the custody of law enforcement for medical or mental health assistance. These calls for service may involve individuals who are suicidal or displaying erratic behavior. Law enforcement oftentimes assists during transport to a hospital or mental health facility. The death of noncriminal person that occurs in the custody of law enforcement personnel in these circumstances **should not** be reported, unless circumstances change, and the person commits a criminal action.

Example: A person is being transported to the hospital for a psychiatric evaluation. During transport the person begins kicking out the windows of the squad car. If the incident escalates and the officer's actions result in the death of the individual, the incident must be reported.

II. During an attempted arrest or in the process of arrest.

All deaths that occur during an interaction with an officer in the process of arrest or attempted arrest must be reported, regardless of whether physical custody was established before the death. Deaths occurring before arrest include those attributed to events that transpired during apprehension or while the decedent was detained for questioning prior to arrest.

Deaths that occur while law enforcement personnel attempt to apprehend or arrest an individual (including those that occur during foot pursuits and standoffs or barricaded situations) must be reported. Common examples include officer-involved shootings; deaths related to the use of force or law enforcement compliance weapons (tasers, stun guns, nightsticks); or fatal accidental injuries sustained while attempting to elude officers, such as falls from heights and drowning; and suicides committed during standoff and barricade scenarios.

All deaths that occur during vehicular pursuits are included in the definition of arrest related deaths and are to be reported. This includes instances in which officers pursue a suspect with or without the intent to make an arrest, and the fatal crash is caused by either the officer or the suspect accidentally. This includes only crashes which occur while the officer or officers are actively pursuing the suspect. Crashes which occur once officers terminate a pursuit are not reportable deaths.

Deaths that occur during interviews and interrogations, or while a suspect is detained for questioning must be reported. These deaths may take place at a law enforcement agency's headquarters or in the field. Examples of these types of deaths include those attributed to alcohol and drug intoxications, sudden medical conditions (e.g., cardiac arrest, asthma, stroke or seizure), choking on ingested objects or other forms of asphyxiation, and suicides.

All deaths caused by an officer's use of restraint tactics must be reported. These include fatal injuries caused by physical fighting or struggle with the officer; deaths caused by

positional asphyxia or restraint in prone position; fatal injuries due to use of control holds or neck restraint; and deaths caused by complications due to body compression.

III. While the person is in custody (before incarceration)

If there was not an officer involved in the death, the agency should select “Yes” for the “Does Not Apply” in the Officer Details section and then select “Save ARD Report”.

Deaths that occur after law enforcement has established physical custody of an arrestee must be reported. These in-custody deaths can occur at the scene of the incident; during transport of a criminal suspect; or while a suspect is being held at a booking facility or temporary detention/lockup center.

IV. While the person is incarcerated.

If there was not an officer involved in the death, the agency should select “Yes” for the “Does Not Apply” in the Officer Details section and then select “Save ARD Report”.

Deaths that occur when an offender has been incarcerated in a municipal or county jail or State Correctional Facility must be reported by the agency responsible for the administrating the jail. Deaths that occur in juvenile facilities must also be reported. In these situations, the “**Did incident occur at a jail**” must be “Yes”.

If an incarcerated offender is outside of the jail parameters when the death occurs, the “**Did incident occur at a jail**” must be “No”. Examples include: when an offender is being transported to or appears in court; and transported to, seeking treatment at, or admitted to a medical facility.